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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,868	11/16/2000	James Tuchler	28474/36530	4785

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EXAMINER

PATEL, JAGDISH

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/713,868

Applicant(s)

TUCHLER ET AL.

Examiner

JAGDISH N PATEL

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/16/00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Demoff et al. (US Pat. 6,456,984) (hereafter Demoff).

4. Demoff teaches a method for allowing a customer at an online Internet client device to make Internet purchases using a temporary credit card number (abstract), the method comprising:

receiving a message indicative of a request to apply for a credit card at an Internet server.... (col. 4 L 29 - 37, credit request program) transmitting data indicative

of an electronic card application from the Internet server to the client device... (col. 4 L 29 - 37, PC screens provided by the programs);

receiving application data at the Internet server to from the client device ... (col. 3 L 33-52 and col. 4 L 38-45, purchaser launches the request);

storing the applicant data .. (col. 3 L 40-48, database 32);

determining if the applicant data verifies against a verification data.. (col. 3 L 40-48..to determine credit status of the requesting customer);

determining a temporary credit card number..unique among a plurality of currently active temporary card numbers (col. 3 L 42-48, generates a unique, temporary credit transaction number..);

logically associating the temporary credit card number with the applicant data (col. 3 L 41-48 and col. 4 L 29-37, the temporary credit number is valid only for the requested transaction, note that this also includes the credit issuance application and therefore forms a logical association as claimed);

allowing Internet based purchases based on the temporary credit card number until ... is deactivated; and

deactivating the temporary credit card number (col. 4 L 42-52, ..at the end of this period..no longer valid).

Claims 2-3 : expiring the temporary credit card number in response to a predetermined time period expiring (col. 4 L 44-52).

***Claim Rejections - 35 USC § 103(a)***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demoff as applied to claim 1 above, and further in view of knowledge generally available in the art.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 4-11 recite a plurality of steps of deactivating a credit card number in response to events (e.g. the user logging off (shutdown the browser), not completing the transaction request in a predetermined time period (inactivity)). Whereas Demoff is silent about many

of the recited methods of deactivating the temporary credit card number, it is asserted such knowledge is within the scope of knowledge generally available to one of ordinary skill in the art who would implement a variety of steps to ensure that the temporary credit card remains indeed temporary and is deactivated under all conceivable scenarios because the ensuing method would minimize the potential for theft or fraudulent use of the credit card number which is already issued.

Regarding claim 12, official notice is taken that issuing a traditional credit card based on applicant data is old and well known.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have further step of issuing a traditional credit card as recited because it would provide flexibility to the customer of applying for traditional card along with a temporary credit card application process.

Claim 13-23, and 24-26 corresponds to method claims 1-12 and analyzed accordingly.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cohen(US Pat. 6,422,462) teaches a method disposable credit card numbers wherein credit card numbers are generated for a one time, single transaction basis, after which they are disposed of, or thrown away. The numbers can be used by a user over the Internet or any other communications system, whether open or secure, to effect a

single transaction. After a one time use of the credit card number, the number is deactivated by the issuing credit card company such that it is no longer available for use.

Maclin et al. (US 2002/0032662) teaches a method and system for generating a temporary credit card number for desired secure e-commerce transaction.

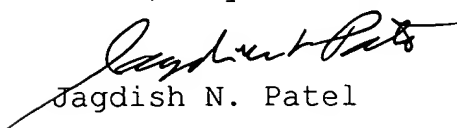
D'Agostino (US 2002/0120587) discloses a method and system for secure user account purchases based on a transaction code different from associated account number.

Rizzo et al. (US 2002/0069170) teaches a method and system for performing a cash transaction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official faxes to Technology Center 3600 is (703) 305-7687. Draft faxes may be submitted directly to the examiner at (703) 746-5563.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 308-1114. Address for hand delivery is 2451 Crystal Drive, Crystal Park 5, 7th Floor, Alexandria VA 22202.

  
Jagdish N. Patel

(Examiner, AU 3624)

1/26/03.